IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2006

C O R A M

THE HONOURABLE Mr.JUSTICE F.M.IBRAHIM KALIFULLA

Writ Petition Nos.4677 to 4683 of 2006
and
W.P.M.P.Nos.5063 to 5076 of 2006

Writ Petition No.4677 of 2006

1.A.Ramachandran .. Petitioner
2.M.Rajendran .. Petitioner in WP.4678/2006
3.S.Baskaran .. Petitioner in WP.4679/2006
4.S.Ramalingam .. Petitioner in WP.4680/2006
5.A.C.Manivel .. Petitioner in WP.4681/2006
6.M.Manoharan .. Petitioner in WP.4682/2006
7.T.Kalaiselvan .. Petitioner in WP.4683/2006

Vs

1.The Managing Director,
Tamil Nadu Cements Corporation Ltd.,
735, Anna Salai, LLA Building,
Chennai-600 002.

2.The Deputy General Manager(Incharge)
Tamil Nadu Cement Corporation Ltd.,
Ariyalur Cement Works,
Ariyalur 621 729,
Perambalur District.

3.The Asst. Labour Commissioner(Central)
New No.5, Lady Dock College Road,
Chinnachockikulam,
Madurai 625 002. ...Respondents in all Wps.

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Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records of the impugned notice issued by the second respondent in No.AasiAa/PaE-1/2006 dated 9.2.2006 and quash the same.

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For petitioners ... Mr.G.Sankaran

For respondents
for R1&R2 ... Mr.K.M.Ramesh

O R D E R

The petitioners seek to challenge the notice issued by the second respondent in proceedings No.AasiAa/PaE-1/2006 dated 9.2.2006. By the impugned notice, the second respondent has announced the holding of election amongst different unions functioning in its factory for the purpose of recognising one of the said unions for negotiating the issues relating to the workmen. A reading of the impugned notice reveals that as per the 12(3) settlement dated 28.10.2005, entered into between the respondents 1 and 2 and various unions, it was agreed to hold the election amongst the unions for electing the union supported by the workmen for the purpose of negotiating the issues relating to the workmen. As far as the recognition of a union is concerned, it is, by now, well settled that it is not recognised by any statute, though the petitioner in his capacity as General Secretary of a Trade Union may be entitled to raise an industrial dispute under the provisions of the Industrial Disputes Act, 1947.

2.It has been held by a decision of this Court reported in POWER GRID NATIONAL WORKERS' UNION (SOUTHERN REGION) Vs POWER GRID CORPORATION OF INDIA LIMITED, NEW DELHI AND OTHERS, 1998(3) LLN 399, that the election held for recognition of a trade union is not governed by any statute or the management exercising any statutory function with regard to the said subject in order to invoke the constitutional remedy provided under Article 226 of the Constitution of India.

3. In the light of the said settled legal position, the grievance of the petitioners as against the impugned notice cannot be called in question in a writ petition. Therefore, reserving the petitioners' liberty to work out its remedy by raising an industrial dispute under the provisions of the Industrial Disputes Act, 1947, these writ petitions are dismissed. Consequently connected miscellaneous petitions are also dismissed.

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nvsri

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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  Perambalur District.

3.The Asst. Labour Commissioner(Central)
  New No.5, Lady Dock College Road,
  Chinnachockikulam,
  Madurai 625 002.

+ one cc to Mr.K.M.Ramesh, Advocate Sr.No.8203.
+ one cc to Mr.G.Sankaran, Advocate Sr.No.8263.

VC (CO)
RSM/28.2.2006

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